

November 22, 2002

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L01P0018**

HUNTER'S PLACE
Preliminary Plat Application

Location: West side of 247th Pl. SE at SE Issaquah-Fall City Road

Applicant: Hoorinaz Lotfali, *represented by*
Sarah Artley, ESM Consulting Engineers
11822 N. Creek Pkwy. N, #106
Bothell, WA 98011
Telephone: (425) 415-6144
Facsimile: (425) 415-0924

King County: Department of Development and Environmental Services,
Land Use Services Division, Current Planning Section,
represented by **Trishah Bull**
900 Oakesdale Avenue SW
Renton, WA 98055-1219
Telephone: (206) 296-6758
Facsimile: (206) 296-6644

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:

Approve, subject to conditions

Department's Final Recommendation:

Approve subject to conditions

Examiner's Decision:

Approve subject to revised conditions

EXAMINER PROCEEDINGS:

Hearing Opened:

November 5, 2002

Hearing Closed:

November 5, 2002

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Traffic
- Trees
- Construction traffic
- Fences
- Homeowners association

SUMMARY:

Grants preliminary approval to a proposed subdivision of 1.72 acres into 10 single-family residential building lots.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. Owner/Developer: Hoorinaz Lotfali
 4657 247th Place SE
 Issaquah, WA 98029
 (425) 313-1664

 Engineer: ESM Consulting Engineers, LLC
 11822 North Creek Parkway North, Suite 106
 Bothell, WA 98011-8203
 (425) 415-6144

 STR: 14-24-06
 Location: The project is located on the west side of 247th Place SE at SE Issaquah-Fall City Road.
 Zoning: R-6
 Acreage: 1.72 acres
 Number of Lots: 10
 Density: 6 units per acre
 Lot Size: Ranges from approximately 3,600 to 8,700 square feet
 Proposed Use: Single-family detached dwellings
 Sewage Disposal: Sammamish Plateau Water & Sewer District
 Water Supply: Sammamish Plateau Water & Sewer District
 Fire District: King County District #10
 School District: Issaquah School District #411

Complete Application Date: November 19, 2001

2. **Proposal.** Hoorinaz Lotfali (“Applicant”) represented by Sarah Artley of ESM Consulting Engineers, proposes to subdivide a 1.72 acre parcel into 10 single-family residential building lots in an R-6 zone. The proposed subdivision, with lot sizes ranging from approximately 3,600 to 8,700 square feet, will result in a density of approximately six dwelling units per acre—comfortably within the density range authorized by the R-6 zoning classification. The subject property is located on the west side of 247th Place Southeast at Southeast Issaquah-Fall City Road.
3. **State Environmental Policy Act compliance.** On September 17, 2002, the Department of Development and Environmental Services (“DDES” or “Department”) issued a threshold determination of nonsignificance regarding the proposed plat of Hunter’s Place. That is, the Department published its determination that the proposed development would not cause probable significant adverse impacts on the environment and that, therefore, an environmental impact statement would not be required to complete the environmental review of this proposal. The Department’s determination was based on its review of the Applicant’s environmental checklist and numerous other relevant environmental documents. No person, agency, tribe or other entity appealed the Department’s determination. The Department’s environmental review record is incorporated in this review record.
4. **Department recommendation.** The Department recommends granting preliminary approval to the proposed plat of Hunter’s Place, subject to the 17 conditions of final plat approval stated on pages 6 through 9 of the Department’s preliminary report (exhibit no. 2).
 - A. Open space required by KCC 21A.14.180 and --.190 will be located within a tract in the southeast corner of the subject property—at the intersection of 247th Place Southeast and Southeast Issaquah-Fall City Road. The open space probably will be fenced for child safety purposes. The Department does not object to requiring that the fence reflect the “residential character” of the area.
 - B. There may be long-term efficiency and community-building benefits to merging the proposed Hunter’s Place Homeowners’ Association with the neighboring/abutting Hunter’s Ridge Homeowners’ Association (“HOA”). The Department does not object to leaving that option open to the Applicant and to Hunter’s Ridge HOA.
5. **Applicant response.** The Applicant accepts the Department’s recommendation as indicated in finding no. 3 above. The Applicant has no objection to the fencing design standard and HOA merger option described above.
6. **Neighboring property owner concerns.** The following facts are relevant to concerns and questions raised by Allen Enebo, representing the Hunter’s Ridge Homeowners’ Association.
 - A. Neither the Department nor the King County Roads Division intends to establish a 35 mile per hour speed limit on 247th Place Southeast. However, when engineers are required to calculate safe entering sight distances and stopping sight distances at intersections, and when they design street curvature, they are required to use an assumed “design speed” of 10 miles per hour faster than the speed limit—in this case, 35 miles per hour.
 - B. Before commencing construction, the Applicant must file a construction traffic

management plan with the Department, in order to preclude unnecessary interference with Hunter’s Ridge traffic.

- C. The “residential character” of fencing described in finding no. 3, above, is intended to address, in part, the concerns of neighboring owners regarding the impact of this development on the aesthetics of the Southeast 247th Place, Hunter’s Ridge entry from Issaquah-Fall City Road. In addition, tree planting will be required along Southeast 247th Place. Neither the Department nor the Applicant intend any disruption to existing improvements and landscaping at the entry to Southeast 247th Place.
 - D. Since the development of Klahane and Hunter’s Ridge, the Road Services Division and DDES have established a list of approved species for street tree planting. The list eliminates those species which landscape architects, arborists or engineers have concluded will disrupt sidewalks or streets with their root systems.
 - E. Should neighboring property owners have concern regarding traffic disruption, mud tracking on 247th Place Southeast or similar concerns, they should contact the Department’s Land Use Inspections section, (206) 296-7204.
 - F. Redevelopment of the Issaquah-Fall City Road is scheduled for 2005. In addition, an Issaquah School District site development plan is pending approval. Implementation of that plan may result in some improvements to the Issaquah-Fall City Road earlier than 2005.
 - G. Regarding traffic impact mitigation, the following findings apply:
 - The King County Road Services Division granted an entering sight distance variance for the proposed development. The Road Services Division found that the larger than normal width of the intersection in a north/south direction will enhance the turning movements at the intersection. The Department determined that the entering sight distances will comply with the 2001 American Association of Highway and Transportation Officials (AASHTO) Manual.
 - The Applicant or subsequent owner will be required to make mitigation payment system (MPS) contribution to the King County Department of Transportation capital budget to fund a “fair share” portion of road improvements in the vicinity.
 - The Applicant will be required to dedicate 12 feet of additional right-of-way to the plat frontage on Southeast Issaquah-Fall City Road in order to accommodate future street widening.
 - All construction and upgrading of public and private roads shall be done consistent with King County Road Standards (1993).
7. The Department’s preliminary report (exhibit no. 2) is accurate and therefore, adopted and incorporated here by this reference. Those copies of this report and decision that are forwarded to the Metropolitan King County Council will be accompanied by copies of the Department’s preliminary report.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION: The proposed plat of Hunter's Place as described in the Applicant's revised preliminary plat drawing received by the Department on September 6, 2002 (exhibit no. 8), is **GRANTED PRELIMINARY APPROVAL**; subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other

applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.

- A. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - B. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - C. The following note shall be shown on the final recorded plat:

“All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file.”
 - D. The stormwater detention facilities shall be designed to the Level 2 flow control requirements per the 1998 King County Surface Water Design Manual (KCSWDM).
 - E. Provisions shall be shown on the engineering plans addressing potential offsite drainage flows from Tax Lot 62, across proposed Lot 5. This design shall be in general conformance with the preliminary plat / conceptual drainage plan received September 6, 2002.
7. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
- A. The internal access road shall be improved to the urban minor access road standard.
 - B. Twelve feet of additional right of way shall be dedicated along the plat frontage of SE Issaquah-Fall City Road.
 - C. Modifications to the above road conditions may be considered in accordance with the variance provisions in Section 1.08 of the KCRS.
 - D. A Road Variance (L02V0069) was approved for this development. All conditions of approval for this variance shall be met upon submittal of the engineering plans.
8. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
9. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by

the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.

10. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
11. There shall be no direct vehicular access to or from Issaquah-Fall City Road from those lots that abut it. A note to this effect shall appear on the engineering plans and final plat.
12. Lots 9 & 10 shall have undivided ownership of the Joint Use Driveway Tract and be responsible for its maintenance. The Joint Use Driveway Tract shall be 20 feet wide and improved with an 18-foot-wide, paved surface and controlled drainage. A note to this effect shall be placed on the engineering plans and final plat.
13. The planter islands, if any, within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
14. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
15. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court, children's play equipment, picnic table, benches, etc.).
 - A. A detailed recreation space plan (i.e. area calculations, dimensions, landscape specifications, equipment specifications, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the engineering plan.
 - B. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
 - C. Any fencing of the recreational area should be residential in character and compatible with existing Hunter's Ridge entry landscaping and improvements.
16. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open

space and/or sensitive area tract(s). The Applicant and Hunter's Ridge HOA are encouraged, but not required, to merge their respective homeowner associations.

17. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):

- A. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
- B. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
- C. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
- D. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
- E. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- F. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
- G. The applicant shall contact Metro Service Planning at 684-1622 to determine if 247th Place SE is on a bus route. If 247th Place SE is a bus route, the street tree plan shall also be reviewed by Metro.
- H. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

ORDERED this 22nd day of November, 2002.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 22nd day of November, 2002, to the parties and interested persons of record:

Sara Artley ESM Consulting Engineers 11822 N. Cr Pkwy. No., #106 Bothell WA 98011	Eleanor Bell 16320 Lake Hills Blvd Bellevue WA 98008	Roger Dorstad Evergreen East Realty PO Box 375 Redmond WA 98073
Allen Enebo 4618 - 247th Pl. SE Issaquah WA 98029	Steve Fiksdal John L. Scott Real Estate 3380 - 146th Pl. SE, #450 Bellevue WA 98007	Hoorinaz & Mike Lotfali 4657 - 247th Pl. SE Issaquah WA 98029
Jerry Marcy P.O. Box 575 Seattle WA 98111	Linda Matlock WA State Ecol. Dept./WQSW Unit PO Box 47696 Olympia WA 98504-7696	Eleanor Moon KC Executive Horse Council 12230 NE 61st Kirkland WA 98033
M. Lynn Morgan 4606 - 247th Pl. SE Issaquah WA 98029	Seattle-King County Health Dept . E. District Envirn. Health 14350 SE Eastgate Way Bellevue WA 98007	Greg Borba DDES/LUSD MS OAK-DE-0100
Trishah Bull DDES/CPLN Current Planning Section MS OAK-DE-0100	Kim Claussen DDES/LUSD Current Planning MS OAK-DE-0100	Nick Gillen Wetland Review DDES/SDSS MS: OAK-DE-0100
Kristen Langley DOT/RSD MS KSC-TR-0222	Carol Rogers LUSD/CPLN MS OAK-DE-0100	Steve Townsend DDES/LUSD Land Use Inspections MS OAK-DE-0100
Larry West LUSD/SDSS Wetland Review MS OAK-DE-0100	Bruce Whittaker LUSD/ERS Prel. Review Engineer MS OAK-DE-0100	

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or*

before December 6, 2002. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before December 13, 2002.*** Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE NOVEMBER 5, 2002 PUBLIC HEARING ON DEPARTMENT OF
DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L01P0018

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Trishah Bull, Kristen Langley and Bruce Whittaker representing the Department; Sara Artley, representing the Applicant; and, Allen Enebo.

The following exhibits were offered and entered into the record:

Exhibit No. 1	DDES File No. L01P0018
Exhibit No. 2	DDES Preliminary Report dated November 5, 2002
Exhibit No. 3	Application Received July 10, 2001
Exhibit No. 4	Environmental Checklist Received July 10, 2001
Exhibit No. 5	Determination of Non-Significance dated September 17, 2002
Exhibit No. 6	Affidavit of Posting indicating December 3, 2001 as Date of Posting and December 10, 2001 as Date Affidavit was Received by DDES
Exhibit No. 7	Notice of Application
Exhibit No. 8	Plat Map Received on September 6, 2002 (revised)
Exhibit No. 9	Land Use Map, Kroll page 963W
Exhibit No. 10	Assessors Map, SW 14-24-06
Exhibit No. 11	Level One Drainage Analysis by ESM, Received by DDES on November 5, 2001 (revised)
Exhibit No. 12	Conceptual Recreation Plan Received by DDES on April 10, 2002